

REMARKS

In response to the Office Action dated December 2, 2005, Applicants are amending claims 7 and 10, and withdrawing claims 20-50 in response to the Restriction Requirement.

Initially, Applicants respectfully disagree with the Restriction Requirement on the basis that searching and examining the Group I claims and the claims of the other Groups would not cause hardship. Despite this, in the interests of expediting prosecution, Applicants confirm the election of the Group I claims and hereby withdraw the claims directed to the other Groups, specifically claims 20-50.

With respect to the objection to the Specification, as well as the objections under 35 U.S.C. § 112, second paragraph, of claims 1, 5, and 6, Applicants respectfully disagree with the Examiner. Although the formulas do not all show 4 bonds for the carbon atoms, it is standard chemical practice not to show the hydrogen atoms on the saturated carbons in the formula. One of ordinary skill in the art would clearly recognize that if there are only three bonds shown on a carbon that the fourth bond is a hydrogen. As such, the formulas such as “-C(C=O)-R-COG” clearly means “-CH(C=O)-R-CH₂OG” As such, Applicants believe that the Specification and claims are clear and not in violation of 35 U.S.C. § 112, second paragraph.

With respect to the other rejections by the Examiner under 35 U.S.C. § 112, second paragraph, Applicants have amended claims 7 and 10 as suggested by the Examiner. With respect to claim 1, this is a classic Markush group whereby any of these polymers, or a mixture of two or more, can be used as the polymer in claim 1. As such, Applicants do not understand the objection of the Examiner to the use of this language.


Turning to the rejections under 35 U.S.C. § 102(b) over the Elson U.S. Patent No. 5,888,988, Applicants respectfully disagree with his interpretation of both the present claims and the ‘988 patent. The passage cited by the Examiner concerns the use of succinic acid as a bridging agent, bridging between an amino group and a carboxyl group. This forms what is described in the ‘988 patent as succinylated NOCC that binds to an amino group of a second NOCC chain. This is an entirely different molecule than the N,O-carboxymethyl-N-succinylchitosan claimed in claim 11 and encompassed by claim 1 of the present application. The methods of formulating the two molecules are different as well. The ‘988 patent uses reaction of NOCC with, e.g., succinic anhydride to form an amide bond with the succinic acid

group. In contrast, the present invention reacts chitosan with the anhydride to form N-succinylchitosan which is the modified to form the NOCC derivative. This causes a different chemical entity to form.

Accordingly, Applicants consider that the Examiner's reliance on the Elson '988 patent is misplaced. Applicants believe that the claims, as amended, are clear and distinct from the art. Prompt notification of allowance is requested.

Respectfully submitted,

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